

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
5:05CV16

RONALD HOLMES,	)	
	)	
Plaintiff,	)	<u>NOTICE AND ORDER</u>
	)	
v.	)	
	)	
MBNA AMERICA BANK, N.A., SMITH	)	
DEBNAM NARRON WYCHE SAINTSING	)	
& MEYERS, L.L.P., PEDRO ZABALA II	)	
and WOLPOFF & ABRAMSON, L.L.P.,	)	
	)	
Defendants.	)	
	)	

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This matter is before the Court on its own motion following the filing of the defendants' Motion to Dismiss pursuant to Federal Rule of Civil Procedure 8, 9, 12(b)(6) and 13, filed March 7, 2005. It is now January 3, 2007, and Plaintiff Holmes has yet to reply.

The Court advises the plaintiff, who is proceeding pro se, that he has the right to file a response in opposition to the defendants' motion. If the defendants filed affidavits, the plaintiff's response may be accompanied by affidavits setting out his version of any relevant disputed material facts or he may submit other responsive material. A failure to respond or, if appropriate, to file affidavits or evidence in rebuttal may cause the Court to conclude that the defendants' contentions are undisputed and/or that the plaintiff no longer wish to pursue the matter. Any response should be accompanied by a brief containing a concise statement of reasons for the opposition and a citation of authorities upon which the plaintiff relies. The plaintiff is reminded that affidavits must be made on personal knowledge, contain facts admissible in evidence and be made by one shown to be competent to testify. A false statement under oath or under penalty of perjury may be a crime

punishable as provided by law. The original of the plaintiff's response should be mailed to this office and a copy served upon counsel for the defendants. Any pleadings presented to this Court for filing must be accompanied by a certificate stating that the plaintiff has served copies on counsel for the defendants. Copies of the defendants' Motion to Dismiss (Doc. No. 5) and Supporting Memorandum (Doc. No. 6) are available through the Court's CM-ECF electronic filing system.

**NOW, THEREFORE, IT IS ORDERED:**

1. The pro se Plaintiff shall have until February 13, 2007, to file his response, including any evidence, to the defendants' Motion to Dismiss.

2. The Clerk is directed to send copies of this Order and Notice to counsel for the defendants and to the pro se plaintiff, that is, Ronald Holmes, at 640 37th Avenue N.E., Hickory, NC, 28601-7481.

Signed: January 3, 2007

A handwritten signature in black ink, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.  
Chief United States District Judge

